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Attorney for Defendants  
 OFFICER CHRISTOPHER ALLEN-YOUNG (erroneously sued  
 herein as Torrance Police Department Officer Young), and  
 OFFICER JOSHUA SATTERFIELD (erroneously sued  
 herein as Torrance Police Department Officer Satterfield)

UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

DIRUL ROBINSON, an individual,	) Case No.: 2:22-cv-05173-RGK(Ex)
	)
Plaintiff,	) <b>DEFENDANTS' REPLY TO</b>
	) <b>PLAINTIFF'S OPPOSITION</b>
vs.	) <b>TO DEFENDANTS' MOTION</b>
	) <b>IN LIMINE NO. 2 SEEKING A</b>
CITY OF TORRANCE; TORRANCE	) <b>COURT ORDER TO EXCLUDE</b>
POLICE DEPARTMENT; TORRANCE	) <b>SUBSEQUENT ARREST AND</b>
POLICE DEPARTMENT OFFICER	) <b>CRIMINAL PROSECUTION</b>
SATTERFIELD; TORRANCE POLICE	)
DEPARTMENT OFFICER YOUNG;	) Date: June 13, 2023
TORRANCE POLICE DEPARTMENT	) Time: 9:00 a.m.
OFFICER WALLACE; TORRANCE	) Courtroom: 850
POLICE DEPARTMENT OFFICER	)
TOMSIC; DOE POLICE OFFICERS 1-	)
20, inclusive; and DOE	)
CORRECTIONAL OFFICERS 1-20,	) <i>Complaint filed 7/26/22</i>
inclusive,	) <i>First Amended Complaint filed</i>
Defendants.	) <i>9/8/22</i>

Defendants submit the following Reply to Plaintiffs' Opposition to Defendants' Motion in Limine No. 2 Seeking A Court Order to Exclude Subsequent Arrest And Criminal Prosecution.

# I.

## ARGUMENT

### **A. These Defendants Were Not an Integral Participant to Plaintiff's Felonious Conduct that Led to His Arrest.**

Plaintiff's opposition relies on these Defendants being integral participants in his subsequent arrest and criminal prosecution. Plaintiff argues that by their alleged conduct during the traffic stop, "Satterfield and Young "set in motion a series of acts" that led to Plaintiff fleeing, crashing his car, being arrested, and serving time in prison." (Opp. P.3:18-19.) What the opposition does not include is the link between Plaintiff crashing his car, then fleeing that scene where he caused injury to others, then attempting to hide from police looking for him because of his hit and run, was when he was arrested. The conduct of these Defendants did not make Plaintiff make those decisions that led to his arrest.

"A police officer need not have been the sole party responsible for a constitutional violation before liability may attach. An officer's liability under section 1983 is predicated on his 'integral participation' in the alleged violation. This theory of liability does not require that each officer's actions themselves rise to the level of a constitutional violation. Instead, liability may attach if the officer has some fundamental involvement in the conduct that allegedly caused the violation. A theory of integral participation thus comports with general tort principles of causation applicable to a § 1983 action: Government officials, like other defendants, are generally responsible for the natural or reasonably foreseeable consequences of their actions." Nicholson v. City of Los Angeles, 935 F.3d 685, 691 (9th Cir. 2019)

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1 An actor may be deemed to have caused a constitutional violation under the  
 2 “integral-participant doctrine,” “only if (1) the defendant knew about and acquiesced  
 3 in the constitutionally defective conduct as part of a common plan with those whose  
 4 conduct constituted the violation, or (2) the defendant set in motion a series of acts  
 5 by others which the defendant knew or reasonably should have known would cause  
 6 others to inflict the constitutional injury.” Peck v. Montoya, 51 F.4th 877, 891 (9th Cir.  
 7 2022).

8 In Torres v. City of Los Angeles, the court found that a detective was not an  
 9 integral participant in an allegedly unlawful arrest, in part because she “was not  
 10 present [at the arrest], and there is no evidence that [she] instructed the other detectives  
 11 to arrest [the plaintiff] or that any of those detectives consulted with her before making  
 12 the arrest.” 548 F.3d 1197, 1206 (9th Cir. 2008). As alleged in Plaintiff’s complaint,  
 13 these officers did not arrest him, “Mr. Robinson was then illegally arrested by  
 14 Defendants Torrance Police Department Officers Wallace (#19752) and Tomsic  
 15 (#19938).” (FAC P.2:21-23.) “To determine whether an officer had probable cause for  
 16 an arrest, ‘we examine the events leading up to the arrest, and then decide “whether  
 17 these historical facts, viewed from the standpoint of an objectively reasonable police  
 18 officer, amount to” probable cause.’” District of Columbia v. Wesby, 138 S. Ct. 577,  
 19 586.

20 In Nicholson, “Plaintiffs alleged that Officers Amaral and Gutierrez “directed  
 21 the other officers to handcuff, search and arrest all of us for reasons unknown to any of  
 22 us.” Gutierrez himself acknowledged that he was “involved in the decision to handcuff  
 23 [Plaintiffs].” In contrast to the absent officer who was not consulted prior to the arrest  
 24 in Torres, Gutierrez was the initial officer who set these events into motion, and either  
 25 instructed the other officers to arrest Plaintiffs or consulted with them in that decision.”  
 26 There has been no evidence cited that these defendants were present at the scene of the  
 27 arrest, that these defendants instructed those officers to arrest Plaintiff, nor that those  
 28 officers consulted with these defendants before Plaintiff was arrested.

1 Here, Plaintiff's argument of the actions that led to his arrest were not caused by  
2 the alleged conduct during the traffic stop. The causal link between the traffic stop is  
3 broken once Plaintiff decided to commit other felonies and misdemeanors that led to  
4 his arrest. It was not reasonably foreseeable that Plaintiff would go onto to conduct  
5 other crimes that led to his arrest. Those felonies and misdemeanors were not the  
6 results of an alleged constitutional violation by these officers. By Plaintiff's logic, he  
7 could have evaded these officers, then robbed a bank, then contend that his felonious  
8 conduct was due to these Defendants' conduct. That is not how the integral participant  
9 theory works. There has to be a direct causal link between the alleged constitutional  
10 violation by these defendants and his subsequent arrest and criminal prosecution.

11 **B. Plaintiff Has Not Overcome The *Smiddy* Doctrine.**

12 Plaintiff is misstating the evidence that was presented to the prosecutor during  
13 Plaintiff's criminal prosecution. The opposition states, "it is undisputed that when  
14 Young testified at Plaintiff's preliminary hearing, he never stated he or Satterfield  
15 pointed their guns at Plaintiff." (Opp P.6:23-24.) That is a false representation to this  
16 court. A true and correct copy of the excerpt from that preliminary hearing is attached  
17 hereto as Exhibit 1. There was clearly questions about these defendants having their  
18 guns drawn during the traffic stop. Defendant Young truthfully testified that he had his  
19 gun drawn when he approached the vehicle. Plaintiff cannot legitimately argue that  
20 there was fraudulent testimony given that led to his criminal conviction.

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II.

**CONCLUSION**

Based upon the forgoing, Defendants respectfully request the Court enter an Order granting Motion in Limine #2, to exclude Plaintiff's subsequent arrest and criminal prosecution.

DATED: June 2, 2023

SMITH LAW OFFICES, LLP

*Daniel Ferris*

By:

Douglas C. Smith  
Daniel W. Ferris  
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OFFICER CHRISTOPHER ALLEN-  
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